Attorney Docket No.: 403047-A-01-US (Orbach)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Julian James Orbach

Application No.: 10/810,459 Confirmation No.: 9320

Filed: 03/27/2004 Art Unit: 2614

For: Method And Apparatus For Determining The Presence Of The User By A Telecommunication Terminal Examiner: Nguyen, Khai N.

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Under 37 C.F.R. § 41.37(d), this amended brief is filed in response to a Notice of Non-Compliant Appeal Brief ("Notice") mailed September 24, 2009. As noted in the Notice, the only defects were in the Summary of Claimed Subject Matter section. Therefore, in compliance with 37 C.F.R. § 41.37, this amended brief contains only an amended Summary of Claimed Subject Matter section.

I hereby certify that this correspondence is being facsimile transmitted to Commissioner, at fax No. 571-273-8300, on

10/22/2009 John C. Moran
Date Being Faxed Signature

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a method for detecting the presence of a user at a telecommunication terminal (Figure 2 and Page 8, line 8, through Page 11, line 2, of the specification) by testing acoustic paths communicating audio information from and back to the telecommunication terminal (blocks 501-503 of Figure 4 and Page 14, line 20, through Page 15, line 2, of the specification) and determining (decision block 403 of Figure 4 and Page 13, lines 19-23, of the specification) the presence of the user based on the changes in acoustic paths.

Claim 9 is directed to an apparatus (blocks 201-206, 208-211, and 216-229 of Figure 2 and Page 8, line 5, through Page 10, line 29, of the specification) for detecting presence of a user at a telecommunication terminal. The apparatus uses a transmitter (blocks 208, 209, and 211 of Figure 2 and Page 8, lines 25-28, of the specification) for transmitting audio information, and a receiver (blocks 203, 204, and 206 of Figure 2 and Page 8, line 29, through Page 9, line 6, of the specification) for receiving the transmitted audio information via acoustic paths (paths 207 of Figure 2 and Page 8, lines 20-24, of the specification). The apparatus has a model of the acoustic paths (block 224 of Figure 2 and Page 9 line 21, through Page 10, line 17, of the specification) for using the audio information before transmission and for producing an audio output. The apparatus uses a comparator (block 228 of Figure 2 and Page 10, lines 6-10, of the specification) for determining a difference between the audio output and received audio information. The apparatus uses a modifier (block 226 of Figure 2 and Page 9, line 29, through Page 10, line 6, of the specification) for iteratively generating modifications for the model of the acoustic paths in response to the difference and audio information before transmission. Finally, the apparatus uses a controller (controller 201 of Figure 2 and Page 9, lines 7-15, of the specification) responsive to the modifications for detecting the presence or non-presence of the user at the telecommunication terminal.

Claim 13 is directed to an apparatus (blocks 201 and 202 of Figure 2 and Page 9, line 7, through Page 10, line 22, of the specification) for detecting presence of a user

at a telecommunication terminal. An echo canceller (echo canceller 202 of Figure 2 and Page 9, line 15, through Page 10, line 22, of the specification) of the apparatus is used for canceling echoes caused by acoustic paths to audio information from and back to the echo canceller. A controller (controller 201 of Figure 2 and Page 9, lines 7-15, of the specification) of the apparatus is used to determine the presence and non-presence of the user at the telecommunication terminal in response to changes in the echo canceller.

Claim 18 is directed to a method for determining the presence of a user at a telecommunication terminal (Figure 2 and Page 8, line 8, through Page 11, line 2, of the specification) by detecting (decision block 402 of Figure 4 and Page 13, lines 19-23, of the specification) echoes caused by acoustic paths to audio information from an echo detector (blocks 202-211 of Figure 2 and Page 8, line 20, through Page 9, line 6, of the specification) and determining in response to the changes in the echo detector by a controller (controller 201 of Figure 2 and Page 9, lines 7-15, of the specification) the presence or non-presence of the user at the telecommunication terminal.

Application No.: **10/810,459**

Respectfully submitted,

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